



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,242	01/19/2007	Gerhard Kottschlag	10191/4700	8869

26646 7590 11/05/2009
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

AKINYEMI, AJIBOLA A

ART UNIT	PAPER NUMBER
----------	--------------

2618

MAIL DATE	DELIVERY MODE
-----------	---------------

11/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,242	Applicant(s) KOTTSCHLAG ET AL.	
	Examiner AJIBOLA AKINYEMI	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-30, 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-30 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 26-30, 34 in the reply filed on 07/09/2009 is acknowledged. The traversal is on the ground(s) that it is not believe that examination of all the claims presents any undue burden on the office. This is not found persuasive because invention I initiates a separate search and is in a different field.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 26, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabinowitz (Pub. No.: US 2003/0145328A1).

With respect to claim 26:

Rabinowitz discloses a receiver comprising a generating arrangement to generate at least one of a tuning signal and additional control signals for an antenna amplifier,

Art Unit: 2618

wherein the antenna amplifier includes: an input for connecting to an antenna (fig.8, antenna in); an output for connecting to a receiver(fig.8, output from item 840); an arrangement for providing signal-level matching between the input and the output (fig.8, item 810, 820, 830 and 840 represent the matching circuit); and a narrow-band filter (fig.8, item 810 which represent the narrow band filter) situated between the input and the arrangement for providing signal-level matching, wherein a pass frequency of the narrow-band filter is configured to be tuned (item 810 in fig.8 has a control input for tuning) to a receive channel of the receiver.

With respect to claim 29:

Rabinowitz discloses a receiver comprising a generating arrangement to generate at least one of a tuning signal and additional control signals for an antenna amplifier, wherein the antenna amplifier includes: an input for connecting to an antenna (fig.8, antenna in); an output for connecting to a receiver(fig.8, output from item 840); an arrangement for providing signal-level matching between the input and the output (fig.8, item 810, 820, 830 and 840 represent the matching circuit) and a narrow-band filter (fig.8, item 810 which represent the narrow band filter) situated between the input and the arrangement for providing signal-level matching, wherein a pass frequency of the narrow-band filter is configured to be tuned (item 810 in fig.8 has a control input for tuning) to a receive channel of the receiver and generating arrangement to generate at least one of the tuning signal (fig.3, control input to item 810) and additional control signal (fig.3, control input to item 820 and 872) for the antenna amplifier.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabinowitz (Pub. No.: US 2003/0145328A1) and further in view of Kilpatrick (Patent No.: US 5898402)

With respect to claim 27:

The rejection of claim 26 is incorporated; Rabinowitz did not disclose additional control signals includes a module and wherein an input of the module is connected to one of a microcontroller and an internal tuning signal and wherein the tuning signal is applied to an output of the module in a form suitable for transmission to the antenna amplifier Kilpatrick disclosed a receiver wherein the means for generating at least one of a tuning signal and additional control signals includes a module (fig.3, item 69) and wherein an

Art Unit: 2618

input of the module is connected to one of a microcontroller (fig.3, item 70) and an internal tuning signal (fig.3, item 67) and wherein the tuning signal is applied to an output of the module in a form suitable for transmission to the antenna amplifier (fig.3). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have the above limitation for tuning purpose.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabinowitz (Pub. No.: US 2003/0145328A1) and further in view of Kilpatrick (Patent No.: US 5898402) and Sakurai (Patent No.: 4531232).

With respect to claim 28:

The rejection of claim 26 is incorporated; Rabinowitz and Kilpatrick did not disclose a detector for detecting and evaluating information signals which are generated by the antenna amplifier and are transmitted in addition to radio signals. Sakurai disclosed a detector for detecting and evaluating information signals which are generated by the antenna amplifier and are transmitted in addition to radio signals (abstract, col.1, lines 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a detector so as to provide effective reception by the receiver.

Allowable Subject Matter

4. Claims 30 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 26, 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIBOLA AKINYEMI whose telephone number is (571)270-1846. The examiner can normally be reached on monday- friday (8.30-5pm) Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, YUWEN PAN can be reached on (571) 272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2618